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ASD(M&RA)

Department of Defense Instruction

SUBJECT **Alien Student Participation in Senior Reserve Officer Training
Corps Programs**

Refs: (a) Title 8, United States Code, Chapter 12
 (b) Title 10, United States Code, Chapter 35, sections 591;
 2103(b); 2104(b)(6); 2104(d); 2107; 2109(b); 211 O(C)
 (c) Title 37, United States Code, sections 209(a) and (c)
 (d) DoD Directive 1215.3, "Policies Relating to ROTC Affairs
 and Similar Programs", February 12, 1965
 (e) List of Countries, Approved by the Department of State,
 Whose Citizens are Eligible to Participate in the Senior
 ROTC Program under the provisions of Title 10, United
 States Code, section 2103(b)
 (f) DoD Instruction 1215.12, "Foreign Student Participation
 in Senior Reserve Officer Training Corps Programs",
 February 8, 1966 (hereby cancelled)
 (g) Title 10, United States Code, section 6019

I. REISSUANCE AND PURPOSE

This Instruction reissues reference (f) which is hereby cancelled. It prescribes policies and procedures governing enrollment of non-immigrant aliens, immigrants and refugees in the DoD- sponsored Senior Reserve Officer Training Corps programs (hereinafter referred to as "Senior programs") established under reference (b), and outlines DoD criteria for participation by such individuals in these Senior programs.

H. APPLICABILITY AND SCOPE

The provisions of this Instruction apply to the Departments of the Army, Navy, and Air Force, and cover all phases of the Senior programs. The Secretary of the Military Department retains the responsibility for establishing eligibility criteria within the guidelines established herein and may limit foreign enrollments other than non-immigrant aliens depending upon the needs of the individual service. Enrollment of a non-immigrant alien in ROTC is accomplished with the consent of his parent government with the stipulation that he will not receive commission in a military department of the United States.

III.

POLICIES AND RESPONSIBILITIES

The Secretaries of the Military Departments will issue implementing regulations consistent with the following:

A. Aliens Eligible to Participate in Senior ROTC

- 1. Immigrants, regardless of their country of origin, who have been lawfully admitted for permanent residence in the United States, are authorized to participate in the Senior ROTC program provided they --**
 - a. Have in their possession Form 1-151 (Alien Registration Receipt Card);**
 - b. Are regularly enrolled full-time students at a school participating in the Senior ROTC program.**
- 2. Refugees still in a parole, conditional entry or indefinite voluntary departure status, regardless of their country of origin, are authorized to participate in the Senior ROTC program provided --**
 - a. They have in their possession Form I-94 (Arrival-Departure Record) bearing an Immigration and Naturalization Service stamp reading, "Refugee - Conditional Entry"; or**
 - b. They are Cuban nationals who have in their possession Form I-94 (Arrival-Departure Record) endorsed by the Immigration and Naturalization Service to reflect either that they have been paroled into the United States for an indefinite period or have been granted "voluntary departure" for an indefinite period; or**
 - c. The Immigration and Naturalization Service has confirmed in writing that the alien is a refugee; and**
 - d. They are regularly enrolled full-time students at a school participating in the Senior ROTC program.**
- 3. Non-immigrant aliens from countries shown on the list of countries (see B. below), approved by the Department of State, whose citizens are eligible to participate in the Senior ROTC program will be permitted to engage in the Senior ROTC program provided they --**

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- a. Have in their possession Form I-94 (Arrival-Departure Record);
- b. Present to the Military Department concerned certification that their government has no objection to their receiving Senior ROTC training, or have in their possession Form I-94 stamped "parolled indefinitely" or "indefinite voluntary departure";
- c. Are regularly enrolled full-time students at a school participating in the Senior ROTC program.

B. Custody of List of Approved Countries. The Secretaries of the Military Departments will retain custody of the list of approved countries furnished by the Secretary of State through the Assistant Secretary of Defense (Manpower and Reserve Affairs) (reference (e)). This list will be used on a "need to know" basis and will not be given general distribution.

C. Approval of Students for Enrollment

1. Pursuant to Titles 10 and 37, United States Code (references (b) and (c)), the Secretaries of the Military Departments are responsible for approving alien student enrollment and participation in the Senior ROTC program. In carrying out this provision:
 - a. Care will be exercised to avoid active recruitment of non-immigrant alien students.
 - b. Alien ROTC students may be disenrolled from the program when the Secretary of the Military Department concerned determines that the interest of the service requires such action.
 - c. Alien ROTC students will not be charged against the Senior program enrollment objectives, but will be reported thereunder as stipulated in section V below.
 - d. Alien ROTC students will be notified that participation in and completion of the Senior program will not result in their appointment as a regular officer in any of the Military Services of the United States. Alien students may be appointed as Reserve officers under

the provisions of Chapter 35, section 591 of Title 10, United States Code (reference (b)), if they --

- (1) Have been lawfully admitted to the United States for permanent residence under Chapter 12, Title 8, United States Code (reference (a)).
- (2) Satisfactorily complete the four-year Senior ROTC program;
- (3) Receive a baccalaureate degree;
- (4) Are not limited in assignments. (Reference (g) precludes the assignment of non-citizens to duty aboard U. S. vessels.)
- (5) Are otherwise qualified as prescribed in regulations published by the Military Department concerned. (see VI. below)

2. Alien students who become naturalized citizens of the United States prior to completing the advanced ROTC program, and are otherwise qualified, will be enrolled in the appropriate course under the provisions of Title 10, United States Code, section 2104 (reference (b)) or released from the program.

IV.

LOGISTICAL SUPPORT AND OTHER ENTITLEMENTS

- A. Alien ROTC students may be provided appropriate uniform clothing, or the civilian educational institutions may be provided ROTC commutation funds in lieu of issue-in-kind uniforms. Alien ROTC students will return uniform clothing to the responsible military service or civilian educational institution upon completion of or withdrawal from the Senior program.
- B. As provided under Title 10, United States Code, sections 2110 (c) and 2109(b) (reference (b)), alien ROTC students may be furnished (1) such "subsistence-in-kind" and "transportation-in-kind" as is furnished to other enrollees while participating in the Senior program, and (2) such subsistence, transportation, medical attendance, uniform clothing, and equipment as is furnished to other enrollees while participating in field training and practice cruises in connection with Senior ROTC training.

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- C. Alien students participating in field training and practice cruises are entitled to the pay at the rate prescribed for cadets and midshipmen at the U. S. Military Academy, Naval, and Air Force Academies, as established in Title 37, United States Code, section 209(c) (reference (c)).
- D. Alien students enrolled in the advanced program are not entitled to the subsistence allowance prescribed by Title 37, United States Code, section 209(a) (reference (c)).
- E. Alien students are not eligible for scholarship under Title 10, United States Code, section 2107 (reference (b)).
- F. Alien students who become naturalized citizens of the United States are not authorized retroactive subsistence pay for any period of participation in the advanced course prior to enrollment.

V. **REPORTS**

Not later than January 10 of each year, each Military Department will submit to the Assistant Secretary of Defense (M&RA) a list -- by name, country and school -- of all foreign students enrolled or participating in Senior programs for the current school year. This reporting requirement has been assigned Report Control Symbol DD-M(A)709.

VI. **EFFECTIVE DATE AND IMPLEMENTATION**

This Instruction is effective immediately. Two (2) copies of the implementing documents shall be forwarded to ASD (M&RA) within ninety (90) days.



W. P. Mack
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(Acting) Assistant Secretary of Defense
(Manpower and Reserve Affairs)